

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 3:19-cr-00002

WARREN C. CLARK

To the Honorable Peter Bray, United States Magistrate Judge

MOTION FOR DISCOVERY

COMES NOW the Defendant, WARREN C. CLARK, through his attorney, Mike DeGeurin, and moves the Court to direct the United States to provide discovery and would respectfully show:

1. Mr. Clark was indicted on January 23, 2019, in a one-count indictment alleging that Mr. Clark attempted to provide material support to ISIS by presenting “personnel, specifically himself” to ISIS.
2. A detention hearing is set for January 30, 2019 at 2:00 pm.
3. A request for discovery was made in writing and orally to the AUSA agents, Craig Feazel and Mark McIntyre and Michael Ditto. Our request was met with the argument that because there is an indictment no discovery is required concerning the weight of the evidence. We were told that we would receive “Jencks material” for the government’s only witness who is F.B.I. agent, Scott Sosa.

4. **Title 18, United States Code, Section 3142 (g)** lists the factors to be considered at a detention hearing on the issue of assurance of attendance and danger to the community. They include:

- 1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or explosive, or destructive device;
- 2) the weight of the evidence against the person;
- 3) the history and characteristics of the person, including –
 - A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and
 - B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and
- 4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

18 U.S.C. § 3142(g)(1-4).

5. We submit that the weight of the evidence is relevant to the issue of attendance at future court proceedings and whether Defendant is a danger to society. We ask that this Court order the government to produce to the Defense evidence related to the Defendant's alleged conduct.

Respectfully submitted,

Foreman DeGeurin & DeGeurin

/s/ *Mike DeGeurin*

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Certificate of Conference

I had a conference with the AUSA on January 29, 2019. They generally oppose our request but agreed to provide Jencks material for their FBI agent.

Certificate of Service

A copy of this Motion was provided to the Assistant U.S. Attorneys on this day by filing the Motion electronically.

/s/ *Mike DeGeurin*

Mike DeGeurin